

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 139, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 2, between lines 25 and 26, begin a new paragraph and insert:
2 "SECTION 3. IC 10-13-3-27.5, AS ADDED BY P.L.234-2005,
3 SECTION 10, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2006]: Sec. 27.5. (a) If:
5 (1) exigent circumstances require the emergency placement of a
6 child; and
7 (2) the department will be unable to obtain criminal history
8 information from the Interstate Identification Index before the
9 emergency placement is scheduled to occur;
10 upon request of the department of child services established by
11 IC 31-33-1.5-2, a caseworker, or a juvenile probation officer, the
12 department may conduct a national name based criminal history record
13 check of each individual who is currently residing in the location
14 designated as the out-of-home placement at the time the child will
15 reside in the location. The department shall promptly transmit a copy

1 of the report it receives from the Interstate Identification Index to the
2 agency or person that submitted a request under this section.

3 (b) Not later than seventy-two (72) hours after the department of
4 child services, the caseworker, or the juvenile probation officer receives
5 the results of the national name based criminal history record check, the
6 department of child services, the caseworker, or the juvenile probation
7 officer shall provide the department with a complete set of fingerprints
8 for each individual who is currently residing in the location designated
9 as the out-of-home placement at the time the child will be placed in the
10 location. The department shall:

11 (1) use fingerprint identification to positively identify each
12 individual who is currently residing in the location designated as
13 the out-of-home placement at the time the child will reside in the
14 location; or

15 (2) submit the fingerprints to the Federal Bureau of Investigation
16 not later than fifteen (15) **calendar** days after the date on which
17 the national name based criminal history record check was
18 conducted.

19 The child shall be removed from the location designated as the
20 out-of-home placement if an individual who is currently residing in the
21 location designated as the out-of-home placement at the time the child
22 will reside in the location fails to provide a complete set of fingerprints
23 to the department of child services, the caseworker, or the juvenile
24 probation officer.

25 (c) The department and the person or agency that provided
26 fingerprints shall comply with all requirements of 42 U.S.C. 5119a and
27 any other applicable federal law or regulation regarding:

28 (1) notification to the subject of the check; and

29 (2) the use of the results obtained based on the check of the
30 person's fingerprints.

31 (d) If an out-of-home placement is denied as the result of a national
32 name based criminal history record check, an individual who is
33 currently residing in the location designated as the out-of-home
34 placement at the time the child will reside in the location may contest
35 the denial by submitting to the department of child services, the
36 caseworker, or the juvenile probation officer:

37 (1) a complete set of the individual's fingerprints; and

38 (2) written authorization permitting the department of child

services, the caseworker, or the juvenile probation officer to forward the fingerprints to the department for submission to the Federal Bureau of Investigation; not later than five (5) days after the out-of-home placement is denied.

(e) The:

(1) department; and

(2) Federal Bureau of Investigation;

may charge a reasonable fee for processing a national name based criminal history record check. The department shall adopt rules under IC 4-22-2 to establish a reasonable fee for processing a national name based criminal history record check and for collecting fees owed under this subsection.

(f) The:

(1) department of child services, for an out-of-home placement arranged by a caseworker or the department of child services; or

(2) juvenile court, for an out-of-home placement ordered by the juvenile court;

shall pay the fee described in subsection (e), arrange for fingerprinting, and pay the costs of fingerprinting, if any."

Page 2, line 31, after "IC 31-9-2-14) by" insert ":

(A)".

Page 2, line 31, after "applicant" delete "," and insert ";

Page 2, line 31, before "an employee" delete "by", begin a new line double block indented and insert:

"(B)".

Page 2, line 32, delete "applicant, or by" and insert **"applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or**

(C)".

Page 2, line 33, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 2, line 36, delete "applicant," and insert **"applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,"**.

Page 2, line 37, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 3, line 22, after "by" insert ":

(A)".

1 Page 3, line 23, delete "licensee, by" and insert "licensee;
2 (B)".

3 Page 3, line 23, delete "licensee, or by" and insert "**licensee who has**
4 **direct contact, on a regular and continuous basis, with children**
5 **who are under the direct supervision of the licensee; or**
6 (C)".

7 Page 3, line 24, delete "contact" and insert "**contact, on a regular**
8 **and continuous basis,**".

9 Page 3, line 27, delete "licensee," and insert "**licensee who has**
10 **direct contact, on a regular and continuous basis, with children**
11 **who are under the direct supervision of the licensee,**".

12 Page 3, line 27, delete "contact" and insert "**contact, on a regular**
13 **and continuous basis,**".

14 Page 4, line 26, after "IC 31-9-2-14) by" insert "
15 (A)".

16 Page 4, line 26, after "applicant" delete "," and insert ";".

17 Page 4, line 26, before "an employee" delete "by", begin a new line
18 double block indented and insert:

19 "(B)".

20 Page 4, line 27, delete "applicant, or by" and insert "**applicant who**
21 **has direct contact, on a regular and continuous basis, with children**
22 **who are under the direct supervision of the applicant; or**
23 (C)".

24 Page 4, line 28, delete "contact" and insert "**contact, on a regular**
25 **and continuous basis,**".

26 Page 4, line 31, delete "applicant," and insert "**applicant who has**
27 **direct contact, on a regular and continuous basis, with children**
28 **who are under the direct supervision of the applicant,**".

29 Page 4, line 32, delete "contact" and insert "**contact, on a regular**
30 **and continuous basis,**".

31 Page 5, line 22, after "by" insert "
32 (A)".

33 Page 5, line 23, before "an employee" delete "," and insert ";
34 (B)".

35 Page 5, line 23, delete ""licensee, or" and insert "**licensee who has**
36 **direct contact, on a regular and continuous basis, with children**
37 **who are under the direct supervision of the licensee; or**
38 (C)".

- 1 Page 5, line 24, delete "contact" and insert "**contact, on a regular**
- 2 **and continuous basis,**".
- 3 Page 5, line 27, delete "licensee," and insert "**licensee who has**
- 4 **direct contact, on a regular and continuous basis, with children**
- 5 **who are under the direct supervision of the licensee,**".
- 6 Page 5, line 27, delete "contact" and insert "**contact, on a regular**
- 7 **and continuous basis,**".
- 8 Page 14, line 30, delete "test." and insert "**test, and the test**
- 9 **indicates that the man is excluded as the father of the child.**".
- 10 Page 14, line 42, delete "If" and insert "**Except as provided in this**
- 11 **section, if**".
- 12 Page 15, line 10, delete "JULY 1, 2006]" and insert "UPON
- 13 PASSAGE]:".
- 14 Page 16, delete lines 23 through 32.
- 15 Page 19, line 20, strike "and investigators".
- 16 Page 19, line 22, after "caseworker" insert ";".
- 17 Page 19, line 22, strike "or investigator;".
- 18 Page 19, delete line 27, begin a new line double block indented and
- 19 insert:
- 20 "**who is the subject of a case described in clause (A).**".
- 21 Page 19, line 30, strike "or an investigator".
- 22 Page 19, delete line 35, begin a new line double block indented and
- 23 insert:
- 24 "**who is the subject of a case described in clause (A) or**
- 25 **clause (B).**".
- 26 Page 19, line 37, strike "case" and insert "**child**".
- 27 Page 20, line 18, delete "Unless" and insert "**(a) Except as provided**
- 28 **in subsection (b), unless**".
- 29 Page 20, line 20, delete "forty-five (45)" and insert "**sixty (60)**".
- 30 Page 20, between lines 22 and 23, begin a new paragraph and insert:
- 31 "**(b) The juvenile court may extend the time to complete a**
- 32 **factfinding hearing, as described in subsection (a), for an additional**
- 33 **sixty (60) days if all parties in the action consent to the additional**
- 34 **time.**".
- 35 Page 22, between lines 12 and 13, begin a new paragraph and insert:
- 36 "SECTION 42. IC 31-34-21-1 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE JULY 1 2006]: Sec. 1. (a) At any time after
- 38 the date of an original dispositional decree, the juvenile court may order

- 1 ~~(1)~~ the county office of family and children ~~or~~
 2 ~~(2) the probation department;~~
 3 to file a report on the progress made in implementing the decree.
 4 **(b) The juvenile court shall order the department of child**
 5 **services to file a report on the progress made in implementing the**
 6 **decree every three (3) months after the dispositional decree is**
 7 **entered.**
 8 ~~(b)~~ **(c)** If, after reviewing the report, the juvenile court seeks to
 9 consider modification of the dispositional decree, the juvenile court
 10 shall proceed under IC 31-34-23."
 11 Page 22, line 17, reset in roman "six (6)".
 12 Page 22, line 17, delete "three (3)".
 13 Page 22, line 20, reset in roman "six (6)".
 14 Page 22, line 20, delete "three (3)".
 15 Page 22, line 22, reset in roman "six (6)".
 16 Page 22, line 22, delete "three (3)".
 17 Page 22, between lines 26 and 27, begin a new paragraph and insert:
 18 **"(d) The court may perform a periodic case review any time**
 19 **after a progress report is filed as described in section 1 of this**
 20 **chapter."**
 21 Page 25, after line 17, begin a new paragraph and insert:
 22 **"SECTION 49. An emergency is declared for this act."**
 23 Renumber all SECTIONS consecutively.
 (Reference is to SB 139 as reprinted January 27, 2006.)

and when so amended that said bill do pass.

Representative Budak